



ALEX C. PARK [SBN: 197781]
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Attorney for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

10/30/2008

SAN JOSE DIVISION

UNITED STATES OF AMERICA;

Plaintiff,

v.

DAE KI EUN,

Defendant.

No. CR 08 - 00383 JW

CR 08 - 00196 JW

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING SENTENCING
 HEARING AND EXCLUDING TIME
 FOR PRONOUNCEMENT OF
 JUDGMENT (18 U.S.C. § 3553)**

This matter is scheduled before the Court for sentencing on **NOV, 3, 2008**. Due to the related matter filed in Southern California against defendant, on the same date defendant is scheduled for further court proceedings before United States District Court for the Central District of California, Case No. CR 08-702. The parties respectfully request that defendant's sentencing hearing be continued for sixty (60) days. The parties agree, and the Court finds and holds as follows:

1. Defendant's sentencing hearing currently scheduled for **NOV, 3, 2008** at 1:30pm before The Honorable Judge Ware is continued for sixty (60) days.
2. The extension time is excluded pursuant to any sentencing deadline requirements to allow defendant to attend a separate court proceeding in a different jurisdiction. The parties agree that the continuance is proper pursuant to Federal Rules of Criminal Procedure and 18 U.S.C. § 3553.
3. The parties agree that the failure to grant the requested continuance would unreasonably deny defendant the right to attend the sentencing hearing beyond defendant's control. The parties agree that the ends of justice served by granting

1 the requested continuance outweigh the best interest of the public and any timely
2 sentencing requirements.

3 IT IS SO STIPULATED:

4 LAW OFFICE OF ALEX C. PARK

5 Alex C. Park /s/

6 Dated: October 29, 2008

7 ALEX C. PARK
Attorney for Defendant

8
9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 Thomas M. O'Connell /s/

12 Dated: October 29, 2008

13 THOMAS M. O'CONNELL
Assistant United States Attorney

14 IT IS SO ORDERED. The Court notes that this is the parties' second request to continue this
15 matter. The Court continues this matter to **January 12, 2009 at 1:30**
16 **PM.**

17 Dated: October 30 2008

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THE HONORABLE JAMES WARE
UNITED STATES JUDGE